

Criminal Justice Services Board  
Minutes

June 14, 2007

**Members Present**

Sheriff Beth Arthur  
Ms. Nancy St. Clair Finch  
The Honorable Robert L. Bushnell  
Mr. Jeffrey Dion  
Ms. Helen Fahey  
Mr. Sherman Carl Vaughn, Sr.  
Ms. Jerri Smith  
Chief James R. Lavinder  
Ms. Katya Herndon (Proxy for Karl Hade)  
Ms. Cookie Scott  
Mr. Barry Green  
Dr. Jay Malcan  
Mr. Jonathan McGrady  
Lt. Colonel Northern (Proxy for Colonel Steve W. Flaherty)  
Ms. D.J. Geiger  
Mr. Walter A. McFarlane  
Chief A.M. "Jake" Jacocks  
Mr. Alfred T. Dowe, Jr.  
Sheriff Charles Phelps  
Mr. Alan Katz (Proxy for Marla Decker)  
Mr. Kevin S. Hodges  
Mr. Christopher R. Webb  
The Honorable Marcus D. Williams

**Members Absent**

The Honorable Archer L. Yeatts, III  
Sergeant Charles Condon  
Delegate Robert Hurt  
Delegate Beverly Sherwood  
Senator Kenneth W. Stolle  
Senator Frederick M. Quayle

### **DCJS Staff Present**

Leonard G. Cooke  
B.J. Northington  
Priscilla Bowers  
John Colligan  
Leon Baker  
Fran Ecker  
Eileen Guertler  
Joe Marshall  
Janice Waddy  
Mandie Patterson  
Neadie Lee  
Kathi Lee  
Rick Arrington  
Roz Trent  
Shelia Anderson

### **Guests**

Bill O'Toole  
Albert C. Oblesby  
George Haudricourt

### **Call to Order**

Chairwoman Arthur called the meeting to order at 10:30 a.m. in House Room "D" of the General Assembly Building.

At this time, Chairwoman Arthur reminded guests and staff to please sign in for the purpose of the minutes. Chairwoman Arthur also reminded Board members to please state their name when making a motion and when seconding, to ensure that their microphones were turned on at their seating area, and to please speak clearly for the purpose of the minutes.

Chairwoman Arthur then asked Priscilla Bowers to take the roll. Ms. Bowers called the roll and stated that there was a quorum with **23** members present.

Chairwoman Arthur then introduced Judge Marcus D. Williams, Fairfax County Judicial Court, representing Chief Justice Leroy Rountree Hassell, Sr. Judge Williams will be the official representative for the Chief Justice and is replacing Judge Richard Taylor. She then asked everyone to join her in welcoming Judge Williams and informed him that the Board looks forward to working with him. She also informed Judge Williams that DCJS staff would be available to assist him should he have any questions or concerns regarding the work of this Board. She then asked Judge Williams if he would like to say a few words. Judge Williams stated that it was an honor to be appointed to serve on this Board and that he intends to serve on behalf of the Commonwealth.

Chairwoman Arthur also asked Ms. Roslyn Trent to please stand and then introduced her to the Board. Ms. Trent will be working with the Board and will be communicating with the members from time to time.

Chairwoman Arthur then thanked Colonel Northern, Katya Herndon, and Alan Katz for their representation at the Board meeting today.

Next, Chairwoman Arthur welcomed Sheriff Phelps back after recovering from surgery. Sheriff Phelps thanked the Board for their cards, letters, inquiries and prayers during his surgery and recovery.

Chairwoman Arthur then thanked Mr. Green for chairing the May meeting in her absence. She stated that based on Director Cooke's comments, the meeting, along with the presentations went well and that it gave members a chance to hear from some of the various programs that DCJS oversees, and to also see how the grants that this Board approves impact those programs. She stated that the "Blueprints" policy sessions went well, attendance was good and a white paper would be produced as a result of those sessions.

At this time, Chairwoman Arthur also mentioned that Ms. Trent would be contacting Board members regarding the logistics, presentations and the overall meeting of the CJSB held in Staunton on May 9. She stated that a survey would be coming out soon regarding this off-site board meeting. She then thanked Board members and staff for attending and stated that the department will schedule at least one offsite meeting during the course of the year.

Chairwoman Arthur then mentioned that at the conclusion of the meeting today, we would have an Administrative Appeal Hearing to hear the case of Travis V. Hall vs. the Department of Criminal Justice Services to uphold the Director's decision to deny registration, certification or licensing. This hearing will be heard immediately after lunch.

### **Approval of Minutes**

Chairwoman Arthur called for a motion to accept the minutes of the May 9, 2007 Criminal Justice Services Board meeting.

Mr. Green mentioned that on page 12 of the minutes, under New Business, first paragraph, he was referred to as "she". He asked that the minutes be corrected to reflect this change. Also, Mr. Webb asked that his recusal for the JAG (Amherst and Halifax County) grants be rescinded and that his recusal for these two grants be deleted from the minutes on page 10. He stated that he prematurely recused himself from these grants and that his recusals should only appear on page 11 under the JAG - IT Related Program grants, which the minutes did reflect. There being no other changes, Mr. Dowe then made a motion and Mr. Vaughn seconded the motion to approve the minutes with the corrections as stated. Chairwoman Arthur stated that the minutes from the May 9 meeting were unanimously approved with the noted corrections.

Recusals:

The following board members abstained from voting to approve the minutes due to their absence at the May meeting: Ms. D.J. Geiger, Sheriff Charles Phelps, Mr. Bob Bushnell, Mr. Alan Katz, Ms. Katya Herndon and Sheriff Beth Arthur.

### **Director's Report**

Chairwoman Arthur then called upon Director Cooke to give a brief Director's Report. Director Cooke thanked everyone for attending the meeting today and gave a brief report as follows:

#### **Blueprints and Out-of-Town Board Meetings**

Director Cooke reported that we received very positive feedback from participants in our Blueprints sessions last month in Staunton and hoped that Board members, who were able to attend, found the sessions worthwhile. He encouraged Board members to let us know what they liked, or did not like about the sessions. He stated that we are interested in Board member feedback on the idea of having selected board meetings outside of Richmond and asked Board members to look forward to receiving the survey.

#### **Employee Recognition Awards Luncheon**

Director Cooke mentioned that the agency held its 3<sup>rd</sup> Annual Employee Recognition Awards luncheon last month. He stated that this was an opportunity for us to acknowledge and highlight the good work of the staff. He further stated that one of the ways we do that is by presenting awards in several categories, including Career Achievement, Teamwork, Innovation, and Customer Service, to name a few. Recipients are chosen from among nominees put forward by the staff. By all accounts, the luncheon went very well; everyone had a good time; the food was good and the dessert was excellent.

He then thanked Board member Ms. St. Clair-Finch for joining us that day and stated that Ms. Finch participated in the ceremony by announcing one of the winners in one of the categories. The Honorable Viola Baskerville, Secretary of Administration, was our guest speaker and Mr. Clyde Cristman, Deputy Secretary of Public Safety also attended and was one of our presenters.

#### **Criminal Justice Plan**

Director Cooke stated that one of the responsibilities that the *Code of Virginia* gives the department, is to develop and periodically update a statewide Criminal Justice Plan. He said; with the help of the Secretary of Public Safety, The Honorable John W. Marshall we were launching a new planning effort that will involve several of the agencies in the Secretariat as well as local officials from around the state.

First, we will start by creating an Oversight Committee that will include several members of this Board in their capacities as agency heads. Other steps in the process; some of which may also

involve Board members, are the collection and analysis of a variety of crime and other pertinent data; convening regional focus groups of criminal justice and related professionals to review the data for their regions and to identify issues, concerns and opportunities for improvement; development of an “environmental scan” report on the findings of the focus groups; convening a working committee of representatives from the key Public Safety agencies to work with us in identifying issues and possible courses of action, using the findings of the focus groups and the data analyses; preparation by DCJS of a draft plan using the results of the working committee’s efforts.

Director Cooke reported that we hope to have the draft ready for review by the Oversight Committee early next spring, with the final product going to the Secretary and the Governor thereafter. He further stated that we will revisit the plan annually, not necessarily starting from scratch each year, but updating it as needed based on new data and issues that may surface.

We are excited about the process and are looking forward to producing a document that will create a framework for short-and long-range decision making and promote criminal justice system improvement.

### Coming Events

Director Cooke mentioned that we have the following upcoming events:

Our annual conference, “Making a Difference in Juvenile Justice” will be held from June 19-20 at the Hampton Roads Convention Center in Hampton.

The National International Association of Directors of Law Enforcement Standards and Training (IADLEST) Conference, June 17-20 at the Sheraton Oceanfront Hotel in Virginia Beach. The theme for this year’s conference is “Forging the Future.”

Our annual Virginia School Safety Conference will be held August 6-9 at the Hampton Roads Convention Center.

Later in the summer, we are co-sponsoring the National Closed-Circuit Television and Videotaped Testimony Conference, on August 23 - 24 at the Sheraton National Hotel in Alexandria, Virginia.

This concluded Director Cooke’s report. Chairwoman Arthur thanked Director Cooke for his report and asked the Board if they had any comments or questions. There were none.

### **Committee on Training (COT) Report**

Chairwoman Arthur called upon Sheriff Phelps to give a brief report on the Committee on Training. Sheriff Phelps reported that the Committee on Training met this morning at 9:00 a.m. and the following agenda items were discussed:

## Old Business

Roanoke County Training Academy Request – Sheriff Phelps reported that Mr. Gotschalk handed out a letter that the Roanoke County Police Department submitted referencing Senate Bill 1308, asking the Department to examine the region’s need in consideration of an independent training academy. Mr. Gotschalk then turned the presentation over to Chief Lavinder and Sheriff Hope from Roanoke County to make the presentation. Following that presentation, the COT instructed staff to move forward with assisting them with that transition.

Another presentation given by Mr. Gotschalk was the Transfer of Agencies from Regional Academies – Sheriff Phelps stated that the department received an informal opinion from the Attorney General’s office of which we had a number of concerns that Mr. Gotschalk addressed. He said; we will likely be receiving a formal opinion on this issue before we proceed with this issue.

Academy Recertification – Sheriff Phelps mentioned that Mr. Gotschalk asked for representatives from the COT to work with staff in regard to academy recertification. Mr. Webb, Chief Lavinder and himself will be serving to work with staff regarding the academy recertification process.

Also, Ms. Kirkendall gave a presentation on recommendations for the new members of the Curriculum Review Committee, and the COT approved those recommendations. The recommendations of George Stevens, Training Coordinator for Rappahannock Criminal Justice Academy, Captain Alfred Miller, Director of Prince George County Training Academy, and Tim Kendrick, Director of the Central Shenandoah Criminal Justice Training Academy were approved.

## New Business

Canine Training – Sheriff Phelps reported that Mr. Gotschalk gave a brief presentation on the issue of Canine Training. He stated that this is the actual training of the animals and not necessarily the handlers. Captain Terry participated in that discussion during the committee meeting. He further stated that we understand there is a possibility that there will be legislation going before the General Assembly this year. Mr. Gotschalk has been instructed to watch this issue very closely and to keep the COT informed.

Public Comment - Sheriff Phelps mentioned that there was one public comment concerning a Bail Bondsmen issue of which the constituent’s concerns seemed to be pretty strong. Mr. Baker requested the individual file his concerns with staff so they could take look at the issue.

Sheriff Phelps stated that the next meeting of the Committee on Training is scheduled for December, 13, 2007.

This concluded Sheriff Phelps report on the Committee on Training. Chairwoman Arthur thanked Sheriff Phelps for his report and asked the Board if they had any questions or comments. There were none. It was noted by Sheriff Phelps that there were no items in his report that the Board needed to vote on.

## **Victim/Witness Issues Subcommittee Report**

Chairwoman Arthur called upon Mr. Jeff Dion to give a brief report on the Victim/Witness Issues Subcommittee Report. Mr. Dion reported that the Victim/Witness Issues Subcommittee did not meet in May because of the Board's meeting and "Blueprints" sessions in Staunton. He also stated they would not meet today due to the administrative appeal hearing that is scheduled immediately following the board meeting. This concluded Mr. Dion's report.

Chairwoman Arthur thanked Mr. Dion for his brief report and asked if there were any questions or comments. There were none

## **Nominations/Appointments (Handouts)**

Chairwoman Arthur called upon Sheriff Phelps to give a brief report on the Nominations and Appointments Subcommittee regarding the Private Security Services Advisory Board Appointments. Sheriff Phelps reported that the subcommittee met this past Tuesday and everyone on that subcommittee was present with the exception of himself. Sheriff Phelps further reported that effective July 1, 2007, there would be 4 vacant positions on the Private Security Services Advisory Board. The vacancies will occur in the following areas:

- \* Private Security Business Representative (2)
- \* Private Investigative Representative
- \* Electronic Security Business Representative

Sheriff Phelps further stated that due to a mid-appointment resignation, the individual appointed to the Electronic Security Business Representative position will fulfill the remainder of the existing term, which expires June 30, 2009. A total of 13 applications were received:

Electronic Security Business Representative - 2 applicants  
Private Investigative Representative - 4 applicants  
Private Security Business Representative - 7 applicants

The Criminal Justice Services Board Nominations/Appointment Committee evaluated all applicants for the vacancies prior to making a recommendation to appoint members to the PSSAB. Based on this evaluation, the following individuals and term of appointments were recommended to the full Board:

Electronic Security Business Representative (1 Vacancy) - Seth P. Oginz - (July 1, 2007 - June 30, 2009). Private Investigator Representative (1 Vacancy) - Charles E. Ciccotti - (July 1, 2007 - June 30, 2009). Private Security Business Representative (2 Vacancies) - Paul D. Ellis, III - Private Security Business Representative - (July 1, 2007 - June 30, 2011) and ;Joseph Maslanka - Private Security Business Representative - (July 1, 2007 - June 30, 2010).

This concluded Sheriff Phelps' report. Copies of bios on each of the recommended candidates were enclosed in board member packets. Chairwoman Arthur thanked Sheriff Phelps for his report and asked the Board if they had any questions or comments. There were none.

Sheriff Phelps then made a motion to accept the recommendations of the Private Security Services Advisory Board and Mr. Kevin Hodges seconded the motion.

Recusals: None

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the nominations as stated above.

### **Certified Crime Prevention Community Recertification**

Chairwoman Arthur called upon Mr. Walter McFarlane to give a brief report on the Certified Crime Prevention Community Recertification Program for the City of Lynchburg. Mr. McFarlane stated that Mr. Rick Arrington, DCJS staff, was present to answer any questions that Board members may have.

Mr. McFarlane reported that this was basically a very solid program and the fact that they were certified did not keep them from continuing to enhance their program. He stated that they did a very fine and acceptable job. By way of a motion, Mr. Farlane then recommended that the City of Lynchburg be recertified.

Chairwoman Arthur thanked Mr. McFarlane for his report and asked the Board if they had any comments or questions. Sheriff Phelps mentioned that he was privileged to sit on the committee that made the recommendation to recertify the City of Lynchburg. He thanked Mr. Vaughn, and Mr. Katz, who substituted for Ms. Decker on this committee. Sheriff Arthur thanked Mr. McFarlane for chairing this committee and also thanked the other members who served. There were no further questions or comments.

Chairwoman Arthur then called for a second motion. Mr. McGrady seconded the motion. Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendations as stated above.

Recusals: Mr. Christopher Webb

### **Consideration of Grant Applications**

#### **Corrections Subcommittee**

##### **Comprehensive Community Corrections Act and Pretrial Services Act (CCCA/PSA)**

Chairwoman Arthur called upon Sgt. Jerri Smith to give a brief report of the CCCA/PSA Grants. Sgt. Smith reported that the subcommittee meeting held on May 22 was attended by Mr. Sherman Carl Vaughn, Sr., Sgt. Jerri L. Smith, Mr. Walter A. McFarlane, Ms. N.H. Cookie Scott, Ms. Helen F. Fahey, and Sheriff Beth Arthur, Chair (via conference call). Mr. Chris Webb



was unable to attend. The meeting was staffed by Paula Harpster, Carol-Lee Raimo, and Rudi Schuster of DCJS. Janice Waddy was also in attendance. Ms. Harpster opened the meeting by asking everyone to introduce themselves. After introductions, the meeting was called to order and the following grants were reviewed and approved:

Sgt. Smith reported that these general fund grants provide for local probation and pretrial services in most localities in the state. For FY 2008, the second year of the biennial grant cycle, 37 continuation grants were approved for level funding as requested with the following exceptions:

Frederick County's grant request was reduced by \$6,000 because they requested more than the allowable amount and 7 agencies with critically high caseloads will be awarded funding for an additional position based on an executive decision (Fredericksburg, Gloucester, Hampton, Henrico, Loudoun, Salem, and Virginia Beach).

It was noted that each agency will get an additional award amount of general funds under the compensation section of the Budget for state funded local positions in the CCCA and PSA agencies. This increase is equal to the increase awarded to state employees and goes into effect in December. Once the award amount is determined, DCJS will award the additional funding based on grant funded salaries. This award will be increased at the same rate awarded to state employees in future years.

Sgt. Smith reported that the subcommittee moved to approve all of the grant awards and additional funding as recommended by the staff

Chairwoman Arthur thanked Sgt. Smith for her report on the CCCA/PSA grants and asked the Board if they had any questions or comments. There were none.

Chairwoman Arthur then called for a motion to approve the recommendations of the Corrections Subcommittee on the CCCA/PSA Grants. Mr. Dowe made the motion and Mr. Vaughn seconded.

Recusals:	Mr. Christopher Webb	Halifax County
		Lynchburg City
		Prince Edward County
	The Honorable Marcus Williams	Fairfax County
	Chief A.M."Jake" Jacocks	Va. Beach
	Chief James Lavinder	Salem
	Sheriff Beth Arthur	Arlington

Chairwoman Arthur stated that it had been motioned and seconded that the Board unanimously approved the recommendations of the Corrections Subcommittee on the CCCA/PSA Grants as stated above.

### Offender Re-Entry and Transition Services (ORTS)

Chairwoman Arthur noted that Sgt. Smith would give the report on the ORTS Grants. Sgt. Smith reported that these grants provide for offender re-entry and transition services around the state. For FY 2008, 9 grants for offender re-entry and transition services were approved for funding as recommended by staff.

OAR of Arlington was reduced by \$117,326 to remove staffing for a juvenile program which this grant program cannot support. OAR Fairfax was reduced by \$1,182 to FY07 level as the program did not justify the increase in a consultant's fee and office supplies in the budget narrative. Virginia CARES, Inc. was reduced by \$14,419 as the program did not justify the increase in legal fees and air transportation in the budget narrative. She stated that a color copier was also deleted from the budget but this equipment will be obtained through a different funding stream later this year. The increase in rent was reduced to 5% over FY07 because the program did not justify an increase as high as 10% in the budget narrative. However, it should be noted that in all three grants, the grant award still exceeded FY07 levels.

Chairwoman Arthur thanked Sgt. Smith for her report on the ORTS Grants and asked the Board if they had any questions or comments. There were none.

Chairwoman Arthur then called for a motion to approve the recommendations of the Corrections Subcommittee on the ORTS Grants. Mr. Green made the motion and Mr. Dowe seconded.

Recusals:	The Honorable Marcus Williams	Fairfax
	Chief A.M."Jake" Jacocks	Step Up, Inc. Grant
	Sheriff Beth Arthur	Arlington

Chairwoman Arthur stated that it had been motioned and seconded that the Board unanimously approved the recommendations of the Corrections Subcommittee on the ORTS Grants as stated above.

### Residential Substance Abuse Treatment (RSAT) Federal Grants

Chairwoman Arthur stated that Sgt. Smith would present the RSAT Grants. Sgt. Smith reported that the substance abuse treatment programs are all based on a research design that is evidence based. They are evaluated using federal guidelines and standards, which they all have and will meet. Three grants for FY 2008 were approved for funding as requested. Continuation grants were presented for Riverside and Southside Regional jails for programs moving into their 3<sup>rd</sup> year of funding and performing in a satisfactory manner and a new grant for a new program in the Petersburg City.

Chairwoman Arthur thanked Sgt. Smith for her report on the RSAT Grants and asked the Board if they had any questions or comments. There were none.

Chairwoman Arthur then called for a motion to accept the recommendations of the Corrections Subcommittee on the RSAT Grants. Mr. Dowe made the motion and Sheriff Phelps seconded.

Chairwoman Arthur stated that it had been motioned and seconded that the Board unanimously approved the recommendations of the Corrections Subcommittee on the RSAT Grants as stated above.

#### Byrne (JAG) Federal Grants

Chairwoman Arthur noted that Sgt. Smith would also give a brief report on the Byrne Grants. Sgt. Smith reported that the 4 continuation grants under the federal Byrne initiative were approved for funding as requested by staff.

- VA DOC – This grant is for the continuing implementation of Evidence Based Practices in at the Department of Corrections with collaboration with local probation agencies. This year the emphasis has been Motivational Interviewing (MI) training for staff and trainers.
- Charlottesville - This grant is for the continuing operations of a restorative justice program.
- Fauquier County - This grant is for the continuing operations of a restorative justice program.
- Prince George County - This grant is for the continuing contract for mental health evaluations for local offenders.

Chairwoman Arthur thanked Sgt. Smith for the report on the Byrne (JAG) Grants and asked the Board if they had any questions or comments. There were none.

Chairwoman Arthur then called for a motion to accept the recommendations of the Corrections Subcommittee on the Byrne (JAG) Grants. Mr. Webb made the motion and Mr. Dowe seconded.

Recusals:                      Ms. Cookie Scott                      DOC

Chairwoman Arthur stated that it had been motioned and seconded that the Board unanimously approved the recommendations of the Corrections Subcommittee on the Byrne Grants.

#### **Victims Services Subcommittee Report**

##### Sexual Assault Crisis Center Grants

Chairwoman Arthur called upon Mr. Jeff Dion to give a brief report on the Sexual Assault Crisis Center Grants. Mr. Dion reported that the Victims Services Subcommittee met on May 23 to review Victim/Witness Grants and Sexual Assault Grants. He stated that the subcommittee also received staff recommendations regarding two grant proposals seeking to support training initiatives, therefore there would be two motions coming out of this report. First, he would summarize all recommendations related to Sexual Assault and Victim/Witness Program grants and then he would make recommendations on the Training grants.

Mr. Dion further stated that the subcommittee recommended an FY2008 award totaling **\$2,960,490** to support 38 sexual assault crisis center applicant programs. This total represents an award \$433,639 less than the amount requested. However, the recommended award utilizes all available funds and is close to level with the FY2007 award. Most programs received level funding or a slight increase from their current (FY2007) funding levels. Seven programs did receive significant cuts (due to sustained below average performance), and three programs received a significant increase in funding (due to demonstrated need and years of excellent performance).

It is anticipated that funding for the second year of the grant, FY2009, will remain at the FY2008 award level, assuming sufficient federal and state resources are available for award and program performance is satisfactory. Therefore, the Board will be voting on both years of this two-year grant program.

#### Victim/Witness Program Grants

Mr. Dion gave a brief report on the Victim/Witness Program Grants. Mr. Dion reported that with regard to Victim/Witness programs, the subcommittee recommends an FY2008 award totaling **\$9,272,662**. Mr. Dion further stated that as the Board may recall, the state budget adopted during the 2007 Session includes a General Fund appropriation of \$3.1 million dollars to support Victim/Witness Programs in FY2008.

Given this appropriation, combined federal and state funds are sufficient to rescind the 10% reduction in awards tentatively approved a year ago and to support “level funding” for current grantees in FY2008.

Mr. Dion mentioned that specifically, for **FY2008** the subcommittee recommends an award of **\$9,272,662** to provide continuation grant funding to 102 local Victim/Witness Programs and 4 statewide victim assistance programs. The Richmond County Administrator has decided to discontinue the county’s part time program (\$23,795). Program implementation and performance have been problematic and the Director’s position is currently vacant.

Mr. Dion made the motion for approval of the Victim/Witness Grants and the Sexual Assault Crisis Center Grants and stated that on behalf of the review subcommittee, he moved that the Board approve a Victim/Witness grant award totaling \$9,272,662 for FY2008 and an FY2008 and FY2009 award totaling \$2,960,490 each year to support 38 Sexual Assault Crisis Center Grant Programs.

Chairwoman Arthur thanked Mr. Dion for his report on the Victim/Witness Program and the Sexual Assault Crisis Center Grants and asked the Board if they had any questions or comments. There were none.

Chairwoman Arthur then called for a second motion. Mr. Dowe seconded.

Recusals:	The Honorable Marcus Williams	Fairfax-Falls Church
		V/W - Fairfax County

Mr. Christopher Webb	Sexual Assault Grant Programs Crisis Line of Central Va. Doves, Inc. Southside Center V/W - Amherst County V/W - Appomattox County V/W - Bedford County V/W - Campbell County V/W - Halifax County V/W - City of Lynchburg
Chief A.M. "Jake" Jacocks	Sexual Assault Grant for Response Sexual Assault Support Services V/W - Virginia Beach
Barry Green	Sexual Assault - 6 <sup>th</sup> CSU
Mr. Bob Bushnell	V/W - Henry County Sexual Assault - Citizens Against Fam. Violence
Mr. Alfred Dowe	V/W - Roanoke City
Sheriff Beth Arthur	V/W - Arlington Sexual Assault Grants

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendations of the Victims Services Subcommittee on the Sexual Assault Crisis Center and the Victim/Witness Program Grants as stated above.

#### Training Grants (V-STOP)

Mr. Dion further reported that the subcommittee also recommends approval of an in-house V-STOP grant to the Victims Services Section to provide training opportunities for law enforcement on sexual and domestic violence. This initiative will be supported with unexpended and reverted federal V-STOP funds which must be used by the end of this calendar year, or returned to the federal Office on Violence Against Women.

The Subcommittee also recommends denial of a Byrne grant application submitted by the Virginia Institute of Forensic Science and Medicine, to support a training conference on domestic violence and sexual assault. In a letter dated June 6<sup>th</sup>, Institute staff indicated that the Institute will not appeal this recommendation, and acknowledged that the current grant supporting a similar training effort yielded very disappointing results.

Mr. Dion reported that on behalf of the review subcommittee, he moved that the Board approve the V-STOP training grant in the amount of \$50,974 and that the Board deny the Institute's training grant application in the amount of \$66,241.

Chairwoman Arthur thanked Mr. Dion for his report on the V-STOP Training Grants and asked the Board if they had any questions or comments. Mr. Bushnell inquired of staff whether or not the Institute of Forensic Science and Medicine obtained grants from us in the past for programs that were more successful than the Domestic Violence grant they applied for last year? Mr. Joe Marshall answered this question satisfactorily.

Chairwoman Arthur then called for a second motion. Mr. Dowe seconded the motion.

Recusals: None

Chairwoman Arthur stated that it had been motioned and seconded that the Board unanimously approved the recommendations of the Victims Services Subcommittee on the V-STOP Training Grants as stated above.

### **Law Enforcement Subcommittee**

#### **School Resource Officer Grants**

Chairwoman Arthur called upon Sheriff Charles Phelps to give a brief report on the School Resource Officer's Grants.

Sheriff Phelps reported that the Law Enforcement Subcommittee met on June 5, 2007. The subcommittee members in attendance were Mr. Sherman Vaughn, Mr. Alan Katz, representing subcommittee member Ms. Marla Decker and himself. DCJS staff presented 31 School Resource Officer grants. All applications were for continuation funding. Six grants were recommended by staff for denial as these grants did not meet program guidelines as outlined in the grant applications summaries and therefore were not eligible for appeal. Twenty-five applications were recommended for approval at the requested level or at a reduced level. The total amount of state funds recommended is \$859,462. Sheriff Phelps then made a motion to approve/deny these grants as stated above.

Chairwoman Arthur then called for a second motion. Mr. Vaughn seconded the motion. Chairwoman Arthur thanked Sheriff Phelps for his report and asked the Board if they had any questions or comments.

Mr. McGrady stated that he took issue with the denial for grant funding for Grayson County's two grant programs. He further stated that Grayson County has 2 school resource officers that were very much needed and based on the report that was just given, it was stated that they failed to meet the reporting requirements. He mentioned that he had just spoken with the person in charge of Grayson County's Sheriff's office and she said they had provided the required information in a timely manner. He further stated that this is Grayson County's last year of eligibility. He then asked that the Board move to support and restore funding to Grayson County for these 2 programs.

Chairwoman Arthur then called upon DCJS staff to address this issue. Ms. Neadie Lee addressed Mr. McGrady and the Board and stated that Heather D'Amore is the grant monitor for Grayson County and is currently out on medical leave. Ms. Lee stated that she was standing in for Ms. D'Amore and Grayson County did **not** meet their special conditions, nor did they submit any of the requested information until follow-up calls was made by Ms. D'Amore. Ms. Lee mentioned that Grayson County **did** meet some of the special conditions on 4/27/07, however, the information was incomplete and they have not met one of the remaining special conditions.

Ms. Lee further mentioned that Grayson County will be eligible to apply again next year for the final year of their grant funding and one of the criterion and key eligibility requirements is that special conditions be met, progress reports and other reporting items be done in a timely manner. In this instance, Grayson County did not comply and it is the recommendation of our staff that they be denied continuation funding to be consistent with our other rulings.

Mr. McGrady then made additional comments on behalf of Grayson County. Various Board members made inquiries regarding Grayson County's efforts to comply. Ms. Lee answered Board member's questions and stated that Grayson County was still in non-compliance as of this date.

Mr. Bushnell inquired as to whether or not DCJS has a formal letter that is sent out to the elected Sheriff of local jurisdictions and to the Chairman of the local Board of Supervisor advising them that their jurisdiction have not met special conditions, and that required information had not been submitted, to advise them that this is their final chance to submit this information or they will not have funding for an SRO. Ms. Lee responded that there is no formal letter that is sent out, however, the department communicates via e-mail of which she has a paper trail on file. Mr. Bushnell suggested that a letter or the sort be prepared for these types of situations to alert the proper officials.

Janice Waddy, Section Chief for Grants Administration also made several comments to support the fact that Grayson County had not complied and is still non-compliant. Ms. Waddy mentioned that Grayson County's grant is due to start July 1. She stated that Grayson County and the other counties (Giles and Bland) have not received any money because they have **not** met special conditions and therefore they have not received any money for their current year grant. Ms. Waddy stated that one of the requirements is that they meet special conditions before the department sends any funds and before they would even be considered for a continuation grant.

Mr. Bushnell inquired as to when the last time Grayson County received any funds. Ms. Waddy stated that for their third year grant they have not received any money because they have not met special conditions. It has been almost a year since they have received any money.

Sheriff Arthur stated that the Board would take 2 more questions and then would have to wrap up this discussion due to time constraints.

Chief Jacocks inquired about Grayson County's compliance in previous years. Ms. Lee stated that she was the grant manager for Grayson County in previous years and they had submitted late reports in the past. He then asked if there was money left over in the SRO grant fund that would not be expended if the recommendations (as they were before the Board) were adopted; and if this left over money would be adequate to make the requested awards to those 3 counties that had been recommended for no funding? Ms. Lee stated yes.

Sheriff Arthur then inquired: if the Board made a decision to award them, and they continued to fail to meet the guidelines, would they **not** get their money. Ms. Lee replied: no, they would not receive any money.

On a final note, Mr. Dowe made a final comment to the Board and stated that he realizes the communication that occurs with the department daily to communicate with those grantees that were not only denied, but the ones that were approved (to get them to the place of approval) is usually a very extensive process. He further stated that at the risk of micro managing, it gave him a relative degree of assurance that the staff does go out of their way to make sure that the communication is consistent and that any levels of misunderstanding are clarified. Mr. Dower further stated that the word of caution that he would suggest, is that because these are public documents, there would be a level of precedence that we would set if the Board reconsidered awarding funding to Grayson County. He cautioned the Board that because there have been several very reputable, very noble grant requests that we have denied in the past and have gone through very similar processes to try to get them to this place, and they were not granted the opportunity to have reconsideration by this Board. Mr. Dowe stated that with this in mind, he is offering a word of caution to this Board.

Lastly, Mr. McGrady apologized for taking up so much of the Board's time and stated that he believes something is amiss here. He stated that Grayson County's Sheriff's office was shocked and that he had spoken to the lady that prepared the grant application and she believed everything was correctly reported and fine based on the April 27<sup>th</sup> and 30<sup>th</sup> dialogue. He further stated that he takes his role very seriously as a Board member and he particularly takes seriously the need to provide protection in the schools in our Commonwealth. He stated that Grayson is a small county and this is the last year that they would be eligible to receive funding. Mr. McGrady then clarified his motion and asked that the Board support this motion and restore funding to Grayson County.

Ms. Waddy then stated that there were funds definitely available and should the Board want to consider them coming back in September for reconsideration, this was an option.

Mr. Bushnell then commented that if the Board could recommend the denial of funding because of their non compliance, and they could come back in September and ask for the unexpended funds, the ball would be in their court and we would not set a precedence of awarding funding to grant recipients who are not in compliance.

Mr. Fran Ecker, Division Director for Programs and Services then stepped up to the podium and suggested that what the Board could do (given the fact that there was this level of discussion), is put off their decision until September. She said this would give staff the time to verify and give the Board a sense of assurance that we have done everything that we could do. She stated that she would guess that the Board would want to bring back all 3 of these denials (Grayson, Bland and Giles) and at that point the Board would make a decision about going forward or not, based on whatever information staff would be able to provide. Ms. Ecker stated that the only caveat that she would offer if the Board considered this option, is award 9 months of funding instead of 12 months as a slap on the wrist for non compliance.

Chairwoman Arthur then asked if the Board chose to do this and we ask staff to go back to these jurisdictions with a written letter and a phone call to local officials, whether or not the Board would be voting on all of the other grants that were recommended for approval and then voting to bring the 3 denials back in September. Staff answered yes.



Chairwoman Arthur then asked for clarification on the motion that was put on the table.

At this time, Mr. Bushnell then asked if he could make a substitute motion to approve all of the grants recommended by staff for funding and then put off until September, those grants that were recommended for denial (Grayson, Bland, and Giles Counties) and request that staff communicate by mail to the elected Sheriff of each of those jurisdictions as to the action of this Board. Dr. Malcan seconded the motion.

Mr. McGrady then stated that he had already put a motion on the table to restore funding to Grayson County. He then inquired as to what would happen when school starts in August; would these counties not have school resource officers? Chairwoman Arthur stated that it was apparent that they had been managing these programs for the last year without collecting funds from DCJS, therefore, they would have to continue to manage those programs until a final decision was made regarding funding.

Mr. McGrady then asked if there was a way to initiate the funding and then take it away should they truly be not compliant. Chairwoman Arthur stated that the department would not do this.

Sheriff Phelps then stated that the subcommittee's motion was still on the table based on staff recommendations and noted that we had a second on that motion. He said based on his understanding of the "Robert's Rules of Order" the original motion needs to be withdrawn or voted on. He further stated that he was not in the position, without first consulting with the subcommittee, to withdraw his motion.

Mr. Bushnell then stated that his motion was a substitute motion and based on his understanding of "Robert's Rules", if a substitute motion is made, then you vote on whether or not to accept the substitute, which supplants the original motion. If that motion to substitute passes, then you vote on the substituted motion. If the motion to substitute fails, then the original motion is to be voted on. Sheriff Phelps thanked Mr. Bushnell for clarifying these rules.

Chairwoman Arthur then stated that not being a steward of "Robert's Rules", she assumed that the clarification made was accurate. Chairwoman Arthur then stated that for further clarification purposes it was indicated that Mr. Bushnell made a substitute motion that superseded Sheriff Phelps's motion, therefore the Board needed to vote on whether or not to accept the substitute motion made by Mr. Bushnell. Ms. Fahey seconded Mr. Bushnell's the motion.

Recusals:                      Sheriff Phelps (recused himself because of his original motion)  
                                     Ms. D.J. Geiger  
                                     Mr. Barry Green

Chairwoman Arthur asked if there were any additional comments or questions. There were none. Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the substitute motion made by Mr. Bushnell.

Chairwoman Arthur then called for a vote to approve the substance of the substitute motion put forth by Mr. Bushnell to fund all of the grants with the exception of Bland, Giles and Grayson Counties of which we will bring back in September. Chairwoman Arthur called for a vote to accept this recommendation.

Recusals: Sheriff Charles Phelps  
Mr. Sherman Vaughn

Oppositions: Ms. D.J. Geiger  
Mr. Jonathan McGrady

Chairwoman Arthur then stated for the record that 2 Board members opposed the recommendation, however the motion passed.

### JAG/Byrne Grants

Chairwoman Arthur called upon Sheriff Phelps to give a brief report on the Law Enforcement JAG/Byrne Grants. Sheriff Phelps reported that the Law Enforcement Subcommittee met on June 5<sup>th</sup> with the following members present: Mr. Sherman Vaughn, Mr. Alan Katz representing subcommittee member Ms. Marla Decker and himself. DCJS staff presented 38 grants in the following areas; Law Enforcement Services, Standards and Training and Administration.

All applications were for continuation funding. Four grants were recommended by staff for denial. Two applications (Fairfax and Orange County) did not meet program guidelines as outlined in the grant application summaries and therefore were not eligible for an appeal. One application for continuation funding will be denied and applicant will be instructed to request a 1 year extension of their current grant (City of Richmond). One applicant is eligible for an appeal (City of Hopewell) of which the appeal process ended yesterday and they did not appeal.

Four grants were recommended by staff for reductions of 20% or more and were eligible to submit additional information for the subcommittee's consideration concerning the items recommended for deletion or reduction. Three localities submitted additional information (Chesterfield County, Fairfax County and the City of Va. Beach). The subcommittee reviewed the additional information submitted by these localities and the recommendations are included in the summaries. Thirty-one applications were recommended for approval at requested levels are at reduced levels. Program areas included: Criminal Justice Systems Improvement, Recruiting and Retention of Juvenile Justice Professionals, Crime and Delinquency Prevention in Minority and Immigrant Communities and Crisis Intervention Team Pilot Programs of which all are outlined in the summaries.

Sheriff Phelps reported that DCJS received applications for continuation funding from 4 state agencies and 30 local governments that are recommended for approval. The total cost is \$1,233,898 for these Jag/Byrne Grants. He mentioned that this figure was slightly changed from what was originally sent to Board Members.

Sheriff Phelps then made a motion to accept the recommendations of the Law Enforcement Subcommittee on the JAG/Byrne Grants and Mr. Vaughn seconded the motion.

Chairwoman Arthur thanked Sheriff Phelps for his report and asked the Board if they had any questions or comments. There were none.

Recusals:	Mr. Alfred Dowe	City of Roanoke
	Chief A.M. “Jake” Jacobs	City of Va. Beach
	Lt. Colonel Robert Northern	Dept. of State Police
	Mr. Sherman Vaughn	Nottoway County
	The Honorable Marcus Williams	Fairfax County

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the JAG/Byrne grants as stated above.

### **Old/New Business**

Chairwoman Arthur asked the Board if there was any old/new business to be discussed. There was none.

### **Public Comment**

Chairwoman Arthur then called for public comments. There was none.

### **Executive Committee Meeting**

Under old business, Chairwoman Arthur stated that at the May meeting, it was mentioned that staff was in the process of exploring the possibility of moving forward with a change in the *Code of Virginia*, so that the full Board does not have to participate in these appeal hearings in the future.

Chairwoman Arthur stated that she would convene a brief Executive Committee meeting immediately following the September Board meeting to discuss how we will move forward with this potential *code* change and other Board issues:

- Subcommittee Teleconferencing
- Subcommittee Membership, Attendance, Responsibilities and the Addition of Outside Members
- The Progress of the New Subcommittees
- Possible Code Changes for other Committees: i.e., the COT, etc.

Chairwoman Arthur also asked Board members to please advise Priscilla Bowers, Director Cooke, or herself if there were other issues that Board members would like to have addressed at the Executive level, to include legislative items.

Chairwoman Arthur also mentioned as an FYI that she participated in subcommittee meetings via teleconferencing, however, there are rules and regulations in doing so. The department will continue to research this and we will keep you posted.

### **Re-Appointments**

Chairwoman Arthur mentioned that we have not heard anything further from the Secretary of the Commonwealth's office on the reappointment of Mr. Kevin Hodges whose appointment expires on June 30, 2007. Mr. Hodges represents the interests of the Private Security Services Industry and also sits on the Committee on Training and various other Subcommittees. Chairwoman Arthur further mentioned that Mr. Hodges has expressed an interest in serving on this Board for a second term and we certainly support his interest, appreciate his work and dedication in serving. We will keep you posted.

### **Next Meeting Date**

Chairwoman Arthur reminded the Board that the next meeting of the Criminal Justice Services Board is scheduled for Thursday, September 13 at 11:00 a.m. in House Room "D" of the General Assembly Building. The 2008 proposed meeting dates will be presented at this meeting and will be approved at the December meeting. She also reiterated the importance of attendance at subcommittee meetings. She further mentioned that it is important that Board members make every effort to attend future meetings so as to carry out the work of the Board.

### **Administrative Appeal Hearing**

Chairwoman Arthur reported that Mr. Travis A. Hall has not appeared for the hearing scheduled for today and has withdrawn his appeal. Chairwoman Arthur then read a written statement from Mr. Thomas O. Bondurant, Jr., Attorney for Travis A. Hall. The statement read as follows: Please withdraw the appeal of Travis A. Hall as he has not appeared for the hearing.

Mr. Patrick Dorgan, Assistant Attorney General, representing the Department acknowledged the written statement via signing and dating the document as being seen and agreed, and had no objection to the motion.

### **Adjournment**

Chairwoman Arthur then called for a motion to adjourn the meeting at approximately 12:35 p.m. Ms. Fahey made the motion and the Board unanimously seconded the motion.

Chairwoman Arthur thanked Board members, staff and guests for their attendance at the meeting today and noted that we truly appreciate member's attendance at all of the future meetings of the Board.

Respectfully submitted,

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Priscilla Bowers  
CJSB Secretary

Approved:

Beth Arthur  
Chairwoman